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# EPA Reaffirms 1999 Guidelines For Perchlorate, Pending Study

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The U.S. Environmental Protection Agency, treading lightly on an issue fraught with Pentagon opposition, reaffirmed its 1999 guidelines for addressing water pollution caused by the rocket-fuel component perchlorate, pending completion of a new risk assessment in coming months.

Meanwhile, the new chairman of the U.S. Senate's Environment and Public Works Committee, Republican Sen. James Inhofe of Oklahoma, weighed into the health debate over perchlorate on the side of the defense industry, which faces billions of dollars in potential cleanup costs for the pollutant. In a four-page letter to the EPA's head of research and development, dated Jan. 9 and reviewed this weekend by The Wall Street Journal, Sen. Inhofe reiterated the industry's questions and concerns over how the agency reached its draft finding last year that perchlorate is hazardous in drinking water above one part per billion. The defense industry argues perchlorate is safe at concentrations up to 200 ppb.

The EPA's latest "guidance" for perchlorate was outlined in an internal memo dated Jan. 22 by Marianne Lamont Horinko, the agency's assistant administrator for toxic-waste cleanup. It instructs agency personnel to continue using the EPA's 1999 cleanup benchmark of four to 18 ppb of perchlorate in drinking water. However, in deference to the agency's draft risk assessment last year that found health dangers above one ppb, Ms. Horinko told field personnel "to carefully consider the low end of the provisional four-to-18-ppb range."

The new EPA guidance is the first time a political appointee of this Bush administration has set policy on perchlorate, which has become a bone of bitter contention between senior professionals of the EPA and Department of Defense. Regulators at EPA field offices say the Hormko memo deftly balances the agency's duty to "follow the science" in dealing with perchlorate with sensitivity to Pentagon and defense-industry claims that evidence of the chemical's toxicity is still in doubt.

"This memo is as clear a signal as we've had, from high up in EPA management, that they're not putting perchlorate on the back burner," an EPA regulator in the field said.

For example, the memo strongly reasserts the EPA's authority under federal antipollution laws to regulate perchlorate, in contrast to claims by Defense Department officials in recent months that the EPA, until it promulgates a national drinking-water standard, can't order testing and cleanup of perchlorate. Ms. Horinko, in the memo, also sets out an ambitious time

table for finalizing the agency's so-called reference dose for perchlorate over the coming months, the first step in the years-long process of issuing a formal standard.

On the other hand, the memo resolves a crucial technical question in favor of polluters, by instructing regulators to base site-specific cleanup benchmarks on the average body weight of adults instead of those of fetuses, infants and pregnant mothers—the populations deemed most at risk from perchlorate ingestion. (Body weight is a pivotal variable in determining acceptable exposure levels of all environmental pollutants.)

Until now, some EPA regions, including Region I in Massachusetts, used the lower body weights of the most sensitive subgroups to derive safety benchmarks for perchlorate, thus setting stricter cleanup standards than the four-to-18-ppb range specified by the EPA. The Horinko memo proscribes that practice.

Lenny Siegel, director of a nonprofit group called Center of Public Environmental Oversight, which specializes in military pollution issues, says holding EPA field offices to the four-to-18-ppb range given that the science has already suggested a lower perchlorate standard may result in neglecting sites with lower concentrations and saddling the country with "a larger mess to deal with later."

As for Sen. Inhofe's letter, addressed to Paul Gilman, EPA's assistant administrator of research and development, the inquiry raised several concerns about EPA's peer-review process and, more specifically, about why the agency didn't pay more credence to a particular human experiment in setting its one ppb draft reference-dose last year. The same criticisms have been raised repeatedly in recent months by Pentagon and defense-industry consultants, but aides to Sen. Inhofe said outsiders didn't help write the senator's detailed letter to the EPA.

Sen. Inhofe's state of Oklahoma is home to Kerr-McGee Corp., whose former perchlorate factory on the outskirts of Las Vegas has been found responsible for inadvertently dumping the chemical into the Colorado River. Last year, Kerr-McGee sued California over the state's own health analysis of perchlorate, raising similar concerns about its peer-review process as raised in Sen. Inhofe's letter.

Sen. Inhofe's aides said Kerr-McGee, a major donor to Oklahoma Republican candidates in recent elections, wasn't a factor in drafting the letter to the EPA.

"We're not going to ask EPA to endanger the public's wellbeing for a constituent," an aide said. "The senator's not saying it's a good or bad chemical or pre-judging the levels of toxicity ... There's a concern generally with EPA that you don't establish a policy, then handpick the science to support that policy."